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Dated: December 17, 2003 Signature: SAISS
(Scott S. Servilla)

Docket No.: SPINE 3.0-2153 CIP DIV
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yuan et al.

Application No.: 10/091,708

Group Art Unit: 3732

Filed: March 6, 2002

Examiner: M. Priddy

For: DEVICE FOR SECURING SPINAL RODS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

Dear Sir:

This communication is in response to the Office Action mailed November 17, 2003, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

- I. Figures 1-6D.
- II. Figures 7-10.
- III. Figures 12A and 13-14C.
- IV. Figures 15 and 16.

Claims 1-40 are pending in the application. Applicants respectfully point out that claims 41-68 were cancelled in a preliminary amendment submitted on March 6, 2002. Applicants also point out that claims 1, 11, 15, and 16 were amended in this same preliminary amendment. A copy of this preliminary amendment is enclosed for the Examiner's convenience.

In the Office Action, the Examiner indicated that the application contains claims directed to patentably distinct species in Group I (Figures 1-6D); Group II (Figures 7-10); Group III (Figures 12A, 13-14C and Group IV (Figures. 15-16).

Applicants elect the species in Group I, corresponding to claims 1-9, 11-20, 22-35, 37, 39 and 40. Applicants respectfully submit that at least claims 1, 15, 16 and 24 appear to be generic. Applicants reserve the right to file divisional applications on claims corresponding to non-elected species.

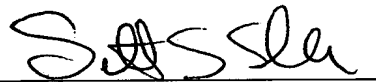
Applicants also respectfully point out that the claims are in the condition in which they were previously allowed in the parent application, now United States Patent No. 6,565,565.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: December 17, 2003

Respectfully submitted,

By



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